

COMMITTEE AMENDMENT FORM

DATE: 09/11/02

COMMITTEE ZONING

PAGE NUM. (S)

ORDINANCE I. D. #02-O 0875

SECTION (S)

RESOLUTION I. D. #02-R-

PARA.

AMENDS THE LEGISLATION BY ADDING TWO CONDITIONS WHICH ARE AS FOLLOWS:

CONDITIONS FOR Z-02-37

(1) DRIVEWAY MUST BE CONFIGURED WITH CONCRETE CHANNELIZING ISLAND SO AS TO ENCOURAGE DRIVERS TO EXIT THE DEVELOPMENT ONLY TO THE RIGHT (TOWARDS DEKALB AVENUE)

(2) THE NUMBER OF UNITS SHALL NOT EXCEED FORTY-THREE (43). EIGHT (8) OF WHICH SHALL BE LIVE WORK UNITS.

AMENDMENT DONE BY COUNCIL STAFF 9/11/02.

02-O-0875

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Municipal Clerk
Atlanta, Georgia

02-0-0875

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-02-37
8-08-02

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property be rezoned as follows:

Tract 1 – I-1-C (Light Industrial-Conditional) District to LW-C (Live Work-Conditional) District – **1258-1278 DeKalb Avenue, N.E.**

Tract 2 – Withdrawn

Tract 3 – I-1-C (Light Industrial-Conditional) District to R-5 (Single-Family Residential) District, **Part of 1278 DeKalb Avenue, N.E.**

Said Tracts lying and being in Land Lot 209 of the 15th District, DeKalb County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

ZONING CONDITION FOR Z-02-37

1. The 20-foot transitional yard required for the portion of the property that abuts an R district without an intervening street shall include a 15-foot unpaved, landscaped buffer immediately adjacent to the R district boundary. This 15-foot buffer shall include 3-inch caliper non-ornamental trees, at least 50 percent of which shall be deciduous hardwoods. Trees shall be spaced in a staggered pattern not to exceed 30 feet on center. The applicant will provide to the homeowners' association a bond or guaranty to cover replacement of any tree that dies within one year after installation. The remaining 5 feet of the 20-foot transitional yard may be paved and used for a driveway.

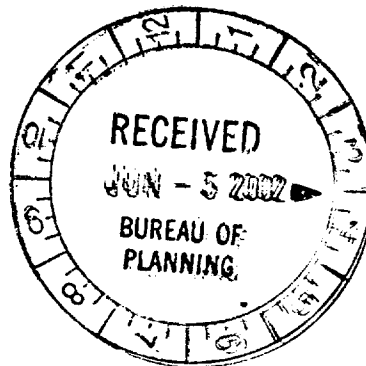
This condition applies to Tract 1 only.

LEGAL DESCRIPTION

TRACT 1

All that tract or parcel of land lying and being within Land Lot 209 of the 15th District, City of Atlanta, Dekalb County, Georgia and being more particularly described as follows:

Beginning at the intersection formed by the northwesterly R/W of Dekalb Avenue (variable R/W) and the westerly R/W of Candler Street (40' R/W) and running thence southwesterly along the northwesterly R/W of Dekalb Avenue, South 78° 57' 14" West, a distance of 199.51 feet to a point; thence 85.12 feet along the arc of a curve to the left, said curve having a radius of 3500.61 feet and being subtended by a chord of South 78° 15' 26" West, 85.12 feet, to an iron pin found; thence North 00° 21' 19" East for a distance of 89.50 feet to a point; thence North 00° 21' 19" East for a distance of 99.90 feet to a point; thence North 00° 21' 19" East for a distance of 80.46 feet to a point; thence North 00° 40' 33" West for a distance of 40.52 feet to a point; thence North 00° 27' 01" East for a distance of 40.29 feet to a point; thence North 87° 56' 43" East for a distance of 93.76 feet to a point; thence South 00° 24' 55" West 2.00 feet to a point, thence South 88° 49' 19" West 181.14 feet to a point on the westerly right of way line of Candler Street South 00° 32' 36" East for a distance of 300.21 feet to the intersection of said westerly R/W line of Candler Street and the northwesterly R/W line of Dekalb Avenue and the Point of Beginning. Containing 90,006 square feet or 2.06626 Acres.

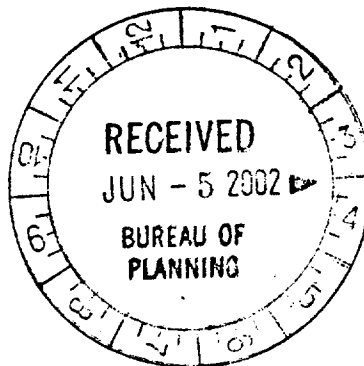


Z-02-37

DESCRIPTION OF TRACT 3

All that tract or parcel of land lying and being within Land Lot 209 of the 15th District of the City of Atlanta, DeKalb County, Georgia and being more particularly described as follows:

To find the point of Beginning, commence at the intersection formed by the northwesterly R/W of Dekalb Avenue (variable R/W) and the westerly R/W of Candler Street (40' R/W) and running thence northerly along said westerly right of way line of Candler Street, North 00°32'36" West for a distance of 300.21 to the True Point of Beginning. From the Point of Beginning thus established; depart said westerly right of way, South 88°49'19" West, a distance of 181.14 feet to a point; thence North 00°24'55" East for a distance of 2.00 feet to a point; thence North 88°12'07" East for a distance of 181.14 feet to a point on said westerly right of way line of Candler Street; thence southerly along said westerly right of way South 00°32'36" West for a distance of 3.96 feet to the Point of Beginning. Continuing 540 square feet or 0.01239 Acres.



2-02-37

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